

UNITED STATES BANKRUPTCY COURT

FOR THE

EASTERN DISTRICT OF VIRGINIA

Alexandria Division

In the Matter of:

MICHAEL STEPHEN VAUGHN

Debtor

Chapter 13

Case No. 21-11260-KHK

OBJECTION TO CONFIRMATION OF PLAN,
NOTICE OF OBJECTION TO CONFIRMATION OF PLAN
AND
NOTICE OF SCHEDULED HEARING ON THIS OBJECTION

Thomas P. Gorman, Chapter 13 Trustee, has filed this objection to confirmation of your Chapter 13 Plan filed July 16, 2021. The cause for this objection is as follows:

Violation of 11 U.S.C. §1325(a)(6) – Feasibility and Violation of 11 U.S.C. §1325(a)(3) – Good Faith:

1. As is more fully set forth in Trustee's Motion to Convert Case to Chapter 7 (Dkt. #16), Trustee does not believe the Plan (or the case itself) were filed in good faith. The Plan proposes at Section 12 to sell real property located in North Carolina, but Debtor no longer owns it since he conveyed it away prepetition, and neither Debtor nor the LLC that now owns the property have listed it for sale or have any intention of selling it.
2. The Plan's funding cannot be determined since Debtor has listed the claim of Daniel and Claire Hassett as "unknown" on Schedule F (#4.3) even though they apparently have an arbitration award.
3. Debtor has not filed all prior year tax returns.
4. Budget fails to account for rent income and operating expenses from the beach property now owned by 1072 Lighthouse Drive.
5. Plan fails to provide or account for the Chapter V recovery rights of the bankruptcy estate.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

Notice of Objection To Confirmation

Michael Stephen Vaughn, Case # 21-11260-KHK

If you do not wish the court to grant the relief sought in the objection, or if you want the court to consider your views on the objection, then on or before five business days prior to the hearing date, you or your attorney must:

File with the court a written response with supporting memorandum as required by Local Bankruptcy Rule 9013-1(H). Unless a written response and supporting memorandum are filed and served by the date specified, the Court may deem any opposition waived, treat the motion as conceded, and issue an order granting the requested relief without further notice or hearing. If you mail your response to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above. You must mail a copy to the persons listed below.

REMOTE HEARING INFORMATION:

Due to the COVID-19 public health emergency, no in-person hearings are being held.

This hearing will take place remotely through Zoom on the date and time scheduled herein.

To appear at the hearing, you must send, by email, a completed request form (the "Zoom Request Form"), which is available on the Court's internet website at www.vaeb.courts.gov, on the page titled, "Temporary Emergency Provisions Regarding ZoomGov Remote Proceeding Access Information." Email your completed Zoom Request Form to the email address listed for the Judge assigned to the case. Following receipt of your Zoom Request Form, Court staff will respond to the email address from which the request was submitted with additional information on how to participate through Zoom.

*** The email address shall be used only to submit Zoom Request Forms. No other matters or requests will be considered by Court staff, and under no circumstances will any such matters or requests be brought to the Judge's attention. Failure to comply with these instructions may result in appropriate action, including but not limited to the imposition of sanctions. ***

PLEASE NOTE: You MUST submit the Zoom Request Form no later than two (2) business days prior to this hearing. Any documentary evidence the parties wish to present at the hearing must be filed with the Court in advance of the hearing.

Attend the hearing to be held on September 8, 2021 at 1:30 p.m., in Courtroom III on the 3rd floor, United States Bankruptcy Court, 200 South Washington Street, Alexandria, VA 22314. If no timely response has been filed opposing the relief requested, the court may grant the relief without holding a hearing.

A copy of any written response must be mailed to the following persons:

Notice of Objection To Confirmation

Michael Stephen Vaughn, Case # 21-11260-KHK

Thomas P. Gorman
300 North Washington Street, Ste, 400
Alexandria, VA 22314

Clerk of the Court
United States Bankruptcy Court
200 South Washington Street
Alexandria, VA 22314

If you or your attorney do not take steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Date: _August 19, 2021_____

___/s/Thomas P. Gorman _____
Thomas P. Gorman
Chapter 13 Trustee
300 N. Washington Street, #400
Alexandria, VA 22314
(703) 836-2226
VSB 26421

CERTIFICATE OF SERVICE

I hereby certify that I have this 19th day of August, 2021, served via ECF to authorized users or mailed a true copy of the foregoing Objection to Confirmation, Notice of Objection and Notice of Hearing to the following parties.

Michael Stephen Vaughn
Chapter 13 Debtor
6641 Wakefield Dr
Alexandria, VA 22307-6878

Amir Raminpour
Attorney for Debtor
Sandground, West, Silek & Raminpour
8229 Boone Blvd, Suite 610
Vienna, VA 22182

___/s/ Thomas P. Gorman_____
Thomas P. Gorman